
HOUSE CONCURRENT RESOLUTION

REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE
AMENDMENTS TO THE AIRLINE DEREGULATION ACT TO EXEMPT HAWAII
FROM THE UNITED STATES' PREEMPTION OF STATE ECONOMIC
REGULATION OF INTERSTATE AIR TRANSPORTATION.

1 WHEREAS, the Federal Aviation Administration has exclusive
2 responsibility for the safe and efficient management of the
3 navigable air space of the United States pursuant to the Federal
4 Aviation Act; and

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6 WHEREAS, the United States Congress deregulated domestic
7 air transportation pursuant to enactment of the Airline
8 Deregulation Act of 1978 (Public Law No. 95-504); and

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10 WHEREAS, the Airline Deregulation Act of 1978 amended the
11 Federal Aviation Act to prohibit states, political subdivisions
12 of a state, or political authority of at least two states from
13 enacting or enforcing a law, regulation, or other provision
14 having the force and effect of law related to the price, route,
15 or service of an air carrier providing interstate air
16 transportation, including foreign air transportation, interstate
17 air transportation, or the transportation of mail by aircraft;
18 and

19
20 WHEREAS, the rationale of the Airline Deregulation Act of
21 1978 was to allow competitive market forces to promote
22 efficiency, encourage innovation, and drive down prices as well
23 as increase the variety and quality of air transportation
24 services (*Morales v. Trans World Airlines, Inc.* 504, U.S. 374
25 (1992)); and

26
27 WHEREAS, the *Morales* opinion adopted the standard that
28 state enforcement actions having a connection with or reference
29 to airline rates, routes, or services are pre-empted; and



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2 WHEREAS, Alaska was specifically granted, in statute, an
3 exemption from the Airline Deregulation Act under title 49
4 United States Code section 41713, which provides in part that
5 the federal preemption provisions of the Act do not apply to air
6 transportation provided entirely in Alaska; and
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8 WHEREAS, Hawaii should have the ability to regulate the
9 price, route, or service of an air carrier for the portion of
10 service providing transportation entirely within Hawaii, which
11 requires a statutory exemption similar to Alaska; and
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13 WHEREAS, Hawaii needs such an exemption to ensure that
14 stable and continuing air service is accessible to all areas of
15 the State, particularly the small, rural airports; and
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17 WHEREAS, Hawaii is unique among all the states because
18 Hawaii is an island state in which air transportation is often
19 the only practical form of intrastate transportation, and Hawaii
20 residents fly frequently among the islands to visit family and
21 friends; and
22

23 WHEREAS, Hawaii has only one major interisland air carrier
24 that has no formidable competition; therefore, regulation of
25 interstate air transportation is necessary to limit monopoly
26 pricing and ensure service to less profitable routes; now,
27 therefore,
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29 BE IT RESOLVED by the House of Representatives of the
30 Twenty-eighth Legislature of the State of Hawaii, Regular
31 Session of 2015, the Senate Concurring, that Hawaii's
32 congressional delegation is requested to propose amendments to
33 the Airline Deregulation Act to exempt Hawaii from the United
34 States' preemption of state economic regulation of interstate
35 air transportation; and
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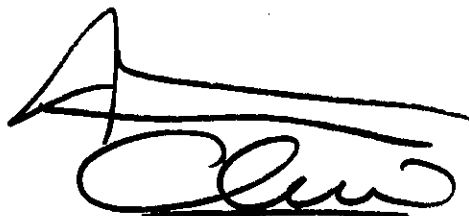
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BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to Hawaii's congressional
delegation.



OFFERED BY:

Nicole F. Lowen



FEB 04 2015

